

REMARKS

Applicant has amended claim 1 and has cancelled claims 2 and 3. The remaining claims are left the same. Claims 13-17 were allowed by the Examiner and have remained unchanged.

Claims 9 and 10 were rejected by the Examiner by the judicially created doctrine of obviousness-type double patenting. Applicant has submitted herewith a Terminal Disclaimer and therefore it is believed that claims 9-12 are in proper form for allowance.

Claim 1 has been amended to require that the attachment mechanism comprises a notch in the elongated member, the notch including "first and second opposite side walls positioned to embrace the golf club shaft there between in a direction that is perpendicular to the longitudinal axis of the elongated member". The claim requires "a first compressible member and a second compressible member being mounted to the first and second opposite side walls respectively for compressing and frictionally engaging the golf club shaft therebetween in response to the golf club shaft being fitted within the notch". This is the language of previous claim 3.

The Examiner concedes in the discussion of previous claim 3 that Marshall does not disclose the attachment member comprising a first and a second compressible member for frictional fit. The Examiner also points to Applicant's quote on page 7, the last full paragraph, that the attachment member may be of various constructions without distracting from the invention. However, the portion which the Examiner quotes relates to the second embodiment shown in Figures 8-14. In discussing these Figures, the Applicant quoted as follows: "Attachment member 30 may be of various constructions without detracting from the invention." Attachment member 30 referred to in the drawings is shown in Figures 8 and 9. However, the notch 90 which contains the compressible members is shown in Figure 1 and the above statement does not refer to Figure 1. Figure 1 represents an improvement to the present device.

Of utmost importance in conducting a golf game, is the quickness with which one can utilize the apparatus 72 to ultimately make the putt. The device shown in the Marshall reference '706 requires the screwing down of a screw 21 before the shaft of the club is attached to the device. The present invention however requires nothing more than the slipping of the shaft 74 into the notch 90. This results in the automatic alignment of the longitudinal axis of the apparatus 72 in a direction which is perpendicular to the direction of the shaft 74. Thus, the putter 74 can be converted into a plumb bob quickly and easily far more so than the Marshall device which is shown in the '706 patent.

Accordingly, the apparatus of claim 1 requiring the compressible members at the margins of the notch 90 provides a result which is not obtainable with the Marshall reference. Namely the putting aid 72 of the present invention can be attached to the shaft more quickly and more easily than the device shown in the Marshall reference. This result provides an unobvious result obtained by the present invention.

Furthermore, the Marshall device is not used as a putting aid, but instead is used as a swinging aid for shafts other than putters. Note Figure 1 of the reference. Since claim 1 requires a putting aid, the Marshall device does not show the same invention. Therefore, claim 1 is in proper form for allowance.

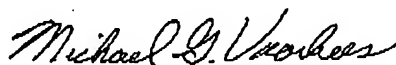
In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued.

The Examiner has rejected claims 9 and 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,8716,109. A Terminal Disclaimer is filed herewith. Therefore this rejection should be withdrawn.

Please charge Deposit Account No. 26-0084 in the amount of \$65.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d). No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



MICHAEL G. VOORHEES, Reg. No. 25,715
MCKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- bja -